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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/589,906	08/18/2006	Mark Beckmann	2004P01470	2370

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EXAMINER
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MAPA, MICHAEL Y

ART UNIT	PAPER NUMBER
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2617

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12/08/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/589,906	<b>Applicant(s)</b> BECKMANN ET AL.	
	<b>Examiner</b> Michael Mapa	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 October 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 14-23, 25 and 26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14-23, 25 and 26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/07/10 has been entered.

### ***Response to Amendment***

2. The applicant has amended the following:

Claims: 14 and 23 have been amended.

Claims: 15-22 and 25-26 have not been amended.

Claims: 1-13 & 24 have been cancelled.

### ***Response to Arguments***

3. Applicant's arguments filed 10/07/10 have been fully considered but they are not persuasive.

The applicant argues features wherein a method and system for controlling and evaluating message traffic of a communication unit, which comprises the steps of: transmitting all messages of the message traffic via a first network unit within a mobile

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radio system, the first network unit deciding, with an aid of at least one item of useful information of the communication unit, whether one or more of the messages transmitted from the communication unit are to be forwarded to a second network unit for further processing or are to be blocked; determining via the first network unit with the aid of at least one item of the useful information assigned communication unit, whether a particular message of the message traffic is to be logged in a logfile by the first network unit; assigning a specific set of the useful information in each case to a user identity with the specific set of the useful information being used to control and evaluate at least one message transmitted from the communication unit or the message traffic of the communication unit to be logged; and allocating the user identity to an application of the communication unit.

4. Before addressing the applicant's arguments, the examiner would like to clarify the position taken with respect to the applied art:

Wang (US Patent Publication 2004/0203589) discloses a method and system for controlling messages in a communication network wherein Wang discloses processing the messages based on the identity of the sender and the receiver specified criteria wherein a message is designated as rejected, trusted or untrusted by applying the criteria and category indicator to the identity of the sender of the message and disposing of a rejected message, annotating an accepted message as trusted or untrusted and forwarding the accepted message for delivery to the receiver. Wang discloses having a message control system (MCS) receiving all the messages and

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processing the messages depending on whether to forward the message to the message server where the recipient can then receive the message or block and reject the message depending on the criteria and category indicator applied. Wang further discloses the criteria to include a whitelist signifying that the sender is trusted and the message to be forwarded to the message server or a blacklist signifying that the message is from an unwanted sender and the message is to be rejected and blocked wherein post processing is done such as logging, pattern analysis, etc. on the rejected message and wherein when the MCS receives a message, the MCS decides if the message received should be passed on as a processed message or passed on as a rejected message depending on whether the authentication certificate (AC) of the message is with the white list or the black list of both the network operator or the receiver. Wang continues to disclose that each criterion such as whitelist/blacklist is subscriber/receiver specific wherein the subscriber/receiver is able to modify the list accordingly.

Bandini (US Patent Publication 2002/0199095) discloses a method and system for filtering communication wherein filtering of an incoming message is based on various attributes including sender address, recipient list, subject, body, embedded URLs and IP and other attributes of the incoming message can be made as part of the filtering wherein the sender address of the incoming message is compared to addresses from the SPAM database in order to filter the message as SPAM.

With regards to the applicant's arguments that Wang fails to teach determining whether a message is forwarded based on "at least on item of useful information assigned to the communication unit" because Wang teaches determining whether a

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message is forwarded based on a whitelist or a blacklist that are stored in the processing agent of the MCS and each whitelist and blacklist is associated with a subscriber and shows the subscriber preferences as to the senders that will be allowed to send messages to that subscriber and it is clear that whether a message is forwarded is based on information relation to the subscriber or receiver of a message and that the subscriber or receiver is analogous to the second network unit in the claims and in contrast the claimed limitation specify whether a message is forwarded based on useful information assigned to the communication unit which is the unit transmitting the message to be forwarded, the examiner respectfully disagrees. Wang discloses the MCS deciding if the message received should be passed on as a processed message or passed on as a rejected message depending on whether the authentication certificate (AC) of the message is with the white list or the black list of both the network operator or the receiver and wherein Wang discloses sending the rejected message to a message receptacle post processing such as logging, pattern analysis, etc. therefore logging in a logfile and wherein the subscriber/list owner is able to add/modify/delete the identifiers within the lists, therefore the message received at the MCS from the transmitting communication unit is compared using the authentication certificate (AC) (i.e. unique identification of the certificate holder) assigned to the transmitting terminal to derive the unique identity of the transmitting terminal and uses the unique identity assigned to compare and determine if the transmitting communication unit is with the whitelist/blacklist in order to determine whether to forward the message for processing or block and reject the message and send the rejected message to perform post

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processing such as logging and pattern analysis. Therefore, Wang discloses the claimed limitations.

With regards to the applicant's arguments that the attributes disclosed in Bandini are related to a received message and not to the message traffic transmitted from a communication unit and therefore does not disclose the claimed limitations, the examiner respectfully disagrees. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). The rejection is made with the combination of Wang and Bandini together and not just Bandini alone. In addition, it would have been obvious to one of ordinary skill in the art that in order for the MCS to receive any messages, it would first need to have any of the transmitting communication units to transmit the messages to the MCS. Therefore, the combination reads on the claimed limitations.

5. Therefore, the argued limitations read upon the cited references or are written broad such that they read upon the cited references, as follows:

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 14-18, 20, 22-23 and 25-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Wang et al. (US Patent Publication 2004/0203589 herein after referenced as Wang).

Regarding claim 14, Wang discloses:

The applicant claims "A method for controlling and evaluating message traffic of a communication unit" (Fig. 1 & Paragraph [0007] of Wang).

The applicant claims "which comprises the steps of: transmitting all messages of the message traffic via a first network unit within a mobile radio system" (Fig. 1 & Paragraph [0015] of Wang, wherein Wang discloses a message control system (MCS) receiving and processing messages).

The applicant claims "the first network unit deciding, with an aid of at least one item of useful information of the communication unit, whether one or more of the messages transmitted from the communication unit are to be forwarded to a second network unit for further processing, or are to be blocked; determining, via the first network unit with the aid of at least one item of the useful information assigned to the communication unit, whether a particular message of the message traffic is to be logged in a logfile by the first network unit" (Fig. 3 & Paragraphs [0026]-[0028], [0032] & [0019]



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of Wang, wherein Wang discloses the MCS deciding if the message received should be passed on as a processed message or passed on as a rejected message depending on whether the authentication certificate (AC) of the message is with the white list or the black list of both the network operator or the receiver and wherein Wang discloses sending the rejected message to a message receptacle post processing such as logging, pattern analysis, etc. therefore logging in a logfile and wherein the subscriber/list owner is able to add/modify/delete the identifiers within the lists, therefore the authentication certificate assigned to the transmitting communication unit are determined and compared with the white list and the black list in order to filter the message whether to forward the message for processing or block and reject the message and send the rejected message to perform post processing such as logging and pattern analysis).

The applicant claims "assigning a specific set of the useful information in each case to a user identity, with the specific set of the useful information being used to control and evaluate at least one message transmitted from the communication unit or the message traffic of the communication unit to be logged; and allocating the user identity to an application of the communication unit" (Fig. 3 & Paragraphs [0026]-[0028], [0032] & [0019] of Wang, wherein Wang discloses having a whitelist and blacklist associated to a subscriber wherein the subscriber can add/delete/modify the subscriber lists and wherein the MCS uses the subscriber list to determine whether to process or reject the message and perform post processing such as logging and pattern analysis based on where the authentication certificate (AC) of the transmitting communication

unit belongs in the subscriber list).

Regarding claim 15, Wang discloses:

The applicant claims "The method according to claim 14, which further comprises calling up the at least one item of the useful information that determines the controlling and evaluation of the at least one message of the message traffic of the communication unit from a database" (Fig. 3 & Paragraphs [0026]-[0028] of Wang, wherein Wang discloses the MCS determining the processing/rejection based on the white/black list which are taken from a white/black list repository, therefore a database).

Regarding claim 16, Wang discloses:

The applicant claims "The method according to claim 14, which further comprises inserting at least one filter instruction into the at least one item of the useful information and selecting the filter instruction from the group consisting of: one or more positive destination addresses that are addressable for the communication unit; one or more negative destination addresses that are not addressable for the communication unit; and one or more destination addresses that are to be logged by the first network unit" (Fig. 3 & Paragraphs [0026]-[0028] & [0032] of Wang).

Regarding claim 17, Wang discloses:

The applicant claims "The method according to claim 14, which further comprises identifying the messages of the traffic message to be logged with an acquisition identity" (Paragraph [0032] of Wang, wherein Wang discloses forwarding the message to a message receptacle for post processing such as logging and pattern analysis).

Regarding claim 18, Wang discloses:

The applicant claims "The method according to claim 14, which further comprises forwarding the logfile via the first network unit using a logging message to an evaluation unit for evaluation" (Paragraph [0032] of Wang, wherein Wang discloses forwarding the message to a message receptacle for post processing such as logging and pattern analysis).

Regarding claim 20, Wang discloses:

The applicant claims "The method according to claim 14, which further comprises: authorizing the communication unit to exchange messages; and using at least one key pair to provide a protected message traffic" (Paragraphs [0018]-[0022] of Wang, wherein Wang discloses using an authentication certificate (AC) that provide for secure and unique identification of the certificate holder and wherein the network generates and is issued to each subscriber of the network and for each application).

Regarding claim 22, Wang discloses:

The applicant claims "The method according to claim 14, which further comprises forming the first network unit as a group of network elements" (Fig. 1 & 2 of Wang).

Regarding claim 23, Wang discloses:

The applicant claims "A first network unit for controlling and evaluating message traffic of a communication unit within a mobile radio system" (Fig. 1 & Paragraphs [0007] & [0015] of Wang, wherein Wang discloses a message control system (MCS)).

The applicant claims "the first network unit comprising: a receiving unit for receiving all messages of the message traffic transmitted from the communication unit; a transmitting unit for transmitting the messages of the message traffic; and a

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processing unit for deciding whether at least one of the messages of the message traffic can, on a basis of at least one item of useful information of the communication unit, be forwarded to a second network unit for further processing or can be blocked, said processing unit further deciding whether at least one of the messages of the message traffic can, on a basis of at least one item of the useful information assigned to the communication unit, be logged by the first network unit in a logfile" (Fig. 3 & Paragraphs [0026]-[0028], [0032] & [0019] of Wang, wherein Wang discloses the MCS deciding if the message received should be passed on as a processed message or passed on as a rejected message depending on whether the authentication certificate (AC) of the message is with the white list or the black list of both the network operator or the receiver and wherein Wang discloses sending the rejected message to a message receptacle post processing such as logging, pattern analysis, etc. therefore logging in a logfile and wherein the subscriber/list owner is able to add/modify/delete the identifiers within the lists, therefore the authentication certificate assigned to the transmitting communication unit are determined and compared with the white list and the black list in order to filter the message whether to forward the message for processing or block and reject the message and send the rejected message to perform post processing such as logging and pattern analysis).

The applicant claims "with a specific set of the useful information being assigned to a user identity in each case, with the specific set of useful information being used to control and evaluate at least one of the messages transmitted from the communication unit or the message traffic of the communication unit to be logged, and with the user identity being allocated to an application of the communication unit" (Fig. 3 &

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Paragraphs [0026]-[0028], [0032] & [0019] of Wang, wherein Wang discloses having a whitelist and blacklist associated to a subscriber wherein the subscriber can add/delete/modify the subscriber lists and wherein the MCS uses the subscriber list to determine whether to process or reject the message and perform post processing such as logging and pattern analysis based on where the authentication certificate (AC) of the transmitting communication unit belongs in the subscriber list).

Regarding claim 25, Wang discloses:

The applicant claims "The first network unit according to claim 23, wherein the useful information includes a destination address" (Fig. 3 & Paragraphs [0026]-[0028] & [0032] of Wang).

Regarding claim 26, Wang discloses:

The applicant claims "The method according to claim 14, wherein the useful information includes a destination address" (Fig. 3 & Paragraphs [0026]-[0028] & [0032] of Wang).

### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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9. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wang et al. (US Patent Publication 2004/0203589 herein after referenced as Wang) in view of Bandini et al. (US Patent Publication 2002/0199095 herein after referenced as Bandini).

Regarding claim 19, Wang discloses:

The applicant claims "The method according to claim 18, which further comprise evaluating the messages logged in the logfile via the evaluation unit using at least one criteria" (Paragraph [0032] of Wang, wherein Wang discloses pattern analysis).

Wang fails to explicitly recite "using at least one criteria selected from the group consisting of: useful data of the message; destination address of the message; number of accesses to the destination address; data quantity; the messages that were sent with a specific user identity; the messages that were sent with a specific acquisition identity; and correlation of messages with signaling information and/or the useful data."

In a related field of endeavor, Bandini discloses:

The applicant claims " using at least one criteria selected from the group consisting of: useful data of the message; destination address of the message; number of accesses to the destination address; data quantity; the messages that were sent with a specific user identity; the messages that were sent with a specific acquisition identity; and correlation of messages with signaling information and/or the useful data" (Paragraph [0026]-[0027] of Bandini).

Therefore it would have been obvious to one of ordinary skill in the art to modify the invention of Wang to incorporate the teachings of Bandini for the purpose of improving the network by performing a more accurate pattern analysis and thereby

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presenting a more accurate and detailed information to the subscriber of the nature of the messages being sent to said subscriber.

10. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wang et al. (US Patent Publication 2004/0203589 herein after referenced as Wang) in view of Patil et al. (US Patent Publication 2004/0203432 herein after referenced as Patil).

Regarding claim 21, Wang discloses "The method according to claim 14." Wang fails to explicitly recite "which further comprises using the method in an architecture in accordance with an IP multimedia subsystem with an aid of a session initiation protocol."

In a related field of endeavor, Patil discloses:

The applicant claims "which further comprises using the method in an architecture in accordance with an IP multimedia subsystem with an aid of a session initiation protocol" (Paragraph [0003] of Patil).

Therefore it would have been obvious to one of ordinary skill in the art to modify the invention of Wang to incorporate the teachings of Patil for the purpose of improving the system marketability and versatility by providing a system that is capable of conforming to known systems and protocols.

### ***Conclusion***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Mapa whose telephone number is (571)270-

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5540. The examiner can normally be reached on MONDAY TO THURSDAY 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne Bost can be reached on (571)272-7023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dwayne D. Bost/  
Supervisory Patent Examiner, Art  
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/Michael Mapa/  
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